



FREDERICK COUNTY PLANNING COMMISSION

July 14, 2010

TITLE: **AAA – Mid-Atlantic Service Center**
(Newman Park, Lot 1b - Revised Site Plan)

FILE NUMBER: **SP 85-44** (AP#'s 10517 & 10520)

REQUEST: **Site Plan Approval** (Requesting approval for change of use to an automobile repair/service shop; landscape and parking modifications; and APFO approval)

PROJECT INFORMATION:

LOCATION: West side MD 85, ¼ mile south of Grove Road
ZONE: General Commercial
REGION: Frederick
WATER/SEWER: S-1, W-1 (connected)
COMP. PLAN/LAND USE: Limited Industrial

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: AAA Mid-Atlantic Inc.
OWNER: same
ENGINEER: Harris, Smariga Associates, Inc.
ARCHITECT: N. A.
ATTORNEY: Not Listed

STAFF: Stephen O'Philips, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1: Aerial Photo
Exhibit #2: APFO
Letter of Understanding
Exhibit #3: Site Plan
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- II. Analysis (Site Use, Circulation, Parking, & Utilities)
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STAFF REPORT

BACKGROUND:

Previous Subdivision and Site Plan Approvals: This lot (Lot 1b) is a part of the Newman Park industrial subdivision and was subdivided in 1971. Newman Park is part of the same original tract of 1965 from which the adjoining Frederick Industrial Center subdivision was also subdivided. The bulk of both Frederick Industrial Center and Newman Park were developed in a piecemeal fashion through-out the 1970's and 1980's.

Prior to this proposed use for this lot, a car dealership was located on this site.¹ This former use appears to have been operating as a continuation of a business that was operating prior to the implementation of the Site Plan review requirements. Therefore, this Site Plan application for this particular building appears to be the first time that the FcPc will review this lot and building.²

This Site Plan Application: The Applicant is leasing 0.89 acres of Lot 1b from the owner. The Applicant now requests to change the use of *only the portion of the site being leased* to an automobile repair/service shop. Ordinarily, change-of-use Site Plans can be reviewed and approved at the Staff level, except when a substantive intensification of site use is proposed. In this case, the Applicant is intensifying the use of the site with the additional parking spaces, and is subject to an APFO Letter of Understanding approval, as well as approval of landscaping and parking modifications that only the FcPc can approve.

ANALYSIS (Site Use, Circulation, Parking, & Utilities):

Land Use and Zoning Review: The use for this lot is changing to an automobile repair/service shop, which is allowed in the General Commercial zone with Site Plan approval. The Applicant proposes to expand the existing building with three small additions. The building will have a total first floor area of 8,537 sq. ft.

The Applicant is proposing a principal use of automobile repair/service shop with normal ancillary uses allowed for their business model. Staff has reviewed these ancillary uses and offers no objection to the proposed ancillary uses on site. However, the language in General Note #2 needs to be changed slightly in order to avoid unintended consequences of the Applicant's proposed language, specifically, indicating that the site use is limited to the principal use and normal ancillary uses listed in the note. The Staff suggests these changes can be handled administratively.

Dimensional Requirements/ Bulk Standards: This building met the setback requirements when it was constructed. Since then the side yard setback has decreased slightly and the rear yard has increased slightly, however, the building footprint still meets all current setback requirements (25' front; 8' side; and 25' rear). There is a note on Sheet 1 indicating that there shall be no outdoor storage of materials.

¹ Also located on this lot is the former Gold's Gym. The Gold's Gym building is now vacant. Any future use of the Gold's gym building will require subdivision of the property and another Site Plan review before the FcPc.

² Sam's Club and the former Circuit City are located to the southwest of this subject lot (Lot 1b). The adjoining lot to the north (Lot 1a) is Roy Roger's Restaurant and was approved by the FcPc through normal Site Plan review in 1999.

Access/Circulation and Road Frontage Improvements: This building fronts on a portion of MD 85 that has a median divided center island, thus limiting access to the site via a right-in and right-out only. However, there is an inter-parcel connection with the adjoining Lot 1a (Roy Roger's). No substantive circulation changes are proposed with this Site Plan application.³

The Applicant is requesting a waiver [§ 1-19-6.220 (F)] to not connect the parking lot to the adjoining properties to the south—an adjoining gas station and the parking lot to Sam's Club. The Staff supports this waiver, as the adjoining gas station is not likely to generate a substantive amount of inter-parcel traffic, and connecting to this lot in the front of the building would wipe out the street tree plantings. A better option for connecting to the gas station exists when the former Gold's Gym building is developed, and a more coherent parking lot connection can be made to the gas station and one of the main drive aisles of the Sam's Club parking lot.

Parking Space and Design Requirements: The Applicant is required to provide 32 parking spaces. The Applicant has provided exactly 32 spaces, thus requiring no modification for the number of parking spaces. There is already a connection to the adjoining Roy Roger's parking lot, so there is no need to request a waiver from § 1-19-6.220 (F).

However, a modification [§ 1-19-6.220 (B) (1)] is requested to allow 26'-wide drive aisle (creating a 62' parking bay model) instead of the standard 60' model. In this case, the Zoning Ordinance provides that:

(2) *An increase in stall and aisle width dimensions may be granted when recommended by the Division of Permitting and Development Review Traffic Engineer and approved by the Planning Commission or their authorized representative (as provided in §§ 1-19-3.300 through 1-19-3.300.4), for the following:* (a) *Safety or site circulation needs which shall be based on an evaluation of land use turnover rates (ITE Traffic Engineering Handbook, 6th Edition as amended), circulation efficiency, and parking availability.*

Staff supports the increased width because this drive aisle will have to also serve the eventual use of the vacated gold's Gym building in the back of the lot. The extra width is needed to accommodate the through-movement traffic.

Bicycle Parking: The Applicant is required to provide one bicycle rack based on the number of vehicular parking spaces. The Applicant has elected to provide two racks. The Applicant has provided a 1" = 10' inset indicating how the pavement for the bicycle parking will interface with the sidewalk and surrounding landscape.

Loading Area: There is a loading space requirement to provide one large or two small loading spaces. The Applicant has provided five small spaces adjacent to the north side of the building, thus meeting the loading space requirements

³ *Even though there are no Code requirements with regard to mass transit accommodations for this zone, the #20/Francis Scott Key Mall Connector travels by the site Monday through Saturday with a frequency of 22 trips per weekday, but only in the northbound direction. The closest stop is just a few minute walk to/from the intersection of MD 85 and Spectrum Drive. The #10/Mall-to-Mall Connector travels by the site Monday through Saturday with a frequency of 21 trips per weekday, per direction. The closest stop is just a few minute walk to/from the intersection of Spectrum Drive and Holiday Lane. There are neither continuous sidewalks nor crosswalks between the site and the bus stops. However, the intensification of trip-making associated with this project would have little to no effect on the probability of increased ridership.*

Utilities: The site is currently connected to water and sewer service.

ANALYSIS (Environmental):

Open/Green Space and Floodplain Issues: There are no open or green space requirements in the GC zone. Also, there are no floodplains or required buffers setbacks on this lot.

Landscaping: The Applicant proposes landscape improvements with this Site Plan application in order to meet landscape requirements of the Zoning Ordinance that became effective January 29, 2010 by addressing the following subcategories:

- a) Provide for street tree planting requirements with a mitigation proposal;
 - b) Provide 20% canopy analysis of parking lot area;
 - c) Provide for no more than a 10-parking-bay-average by creating additional parking islands; and
 - d) Demonstrate usage of native species.
 - e) Provide buffering and screening along common property lines.
- a) *Provide for street tree planting requirements with a mitigation proposal:* The Applicant needs to provide five street trees, based on the linear frontage of the site. The Applicant can only plant four street trees with reasonable spacing because of the pavement for the existing entrance. Therefore, the Applicant requests a modification under § 1-19-6.400 (A) and proposes to plant one of the five trees behind the former Gold's Gym building, adjacent to the entrance lane for the former Circuit City. Staff supports this modification because of the limited non-paved area of lot frontage along MD 85.
- b) *Provide 20% canopy analysis of parking lot area:* The Applicant has provided a total canopy-coverage of 20%, thus meeting the minimum requirement of 20% for the lease area.
- c) *Provide for no more than a 10-parking-bay-average by creating additional parking islands:* The Applicant has created an average bay run of 5.3, less than the 10 maximum allowed. Also, the Applicant has not exceeded the maximum run allowed of 15.
- d) *Demonstrate usage of native species:* the Applicant has provided 68% native species. Given the urbanized micro-environment, the Staff supports the use of a few non-native trees that will better adapted to the limited soil-base of a tree island than most native tree species.
- e) *Provide buffering and screening along common property lines:* Because of existing site conditions, there is no space remaining between the parking lot and the adjoining Roy Roger's lot. Therefore, the Applicant requests a modification under § 1-19-6.400 (B) (3) and proposes to plant six over-story, native shade trees behind the former Gold's Gym building, adjacent to the entrance lane for the former Circuit City. Staff supports this modification because of the lack of existing green space between this lot and Roy Roger's.

Lastly, there are invasive exotics (weed trees) growing in the southwestern portion of the lot, which the Applicant has agreed to remove and document as part of the Improvement Plan documents.

Hazardous Material Storage: This use is subject to § 1-6-50 (B) and (C) of the Frederick County Code regarding storage of hazardous material on site. The Agency reviews have verified that no community wells exist within 500' of this proposed use. Additionally, notes on Sheet 1 outline required permitting for storage of hazardous materials.

Forest Resource Ordinance (FRO): The Applicant was tested for FRO requirements, but found to be exempt because the disturbed area in this application does not meet the threshold defined in the FRO.

ANALYSIS (Miscellaneous Design Issues):

Lighting: The Applicant has submitted a Lighting Plan showing existing lighting conditions. There are no pole lights proposed, only existing building-mounted lights, mounted at 11' heights, with lateral and upward glare shields. (Two existing pole lights are proposed to be removed.) The Applicant proposes two lighting schemes for this site: one for night-time site usage and one for security lighting. Both schemes provide modest levels of lighting for the building and parking lot, with no "hotspots". The Lighting Plan complies with all lighting code requirements of the Zoning Ordinance.

Signage: The Applicant is allowed a total of 114 sq. ft. of signage for this site. The Applicant proposes both building-mounted signage and one free-standing sign. The total of the signage does not exceed the allotment, and the setbacks for the free-standing sign meet the code requirement of 12.5'.

Trash Dumpster and Recycling: The Applicant proposes a double dumpster enclosure to be located in the rear of the building. The Applicant should identify the extent to which recycling can occur on this site, and provide additional information regarding recycling bins.

Building Elevations and Height: The Zoning Ordinance limits building in the GC zone to 60'. The existing building is a one-story structure below 60' in height.

ANALYSIS [Adequate Public Facilities Ordinance (APFO)]:

In General: This project was reviewed for potential impacts on schools, water/sewer and roads. The Applicant must receive approval of the submitted Letter of Understanding (LOU) which requires contributions to existing escrow accounts in the scope area of this project. This site will generate 140 trips on a Saturday, which is the peak day, thus a three-year APFO approval period is appropriate, if approved by the Planning Commission. The LOU covers the following:

- **Schools:** The non-residential nature of this project has no impact on schools.
- **Water and Sewer:** The Property is currently classified W-1, S-1, meaning facilities are connected to public water and sewer. The Division of Utilities and Solid Waste Management (DUSWM) has approved the APFO test, indicating that the public water and sewer facilities appear adequate at the time for this development. Additional, standard administrative language has been added to the LOU to confirm, among other things, that taps are not guaranteed until paid for.
- **Traffic:** The change of use of this site from new auto dealer to auto service generates additional trips during the peak hour of the adjacent roadway and the peak hour of the site, but not in excess of the thresholds established in § 1-20-30 and therefore a traffic impact analysis (TIA) was not required. The ten additional trips that this new use generates impact the existing escrow accounts on MD 85 at the I-270 interchange ramp intersections, but in the critical direction for only the intersection with the southbound I-270 ramps.

As a condition of the APFO approval of the Project, the Applicant is required to pay its proportionate contribution to the following roadway escrow account:

MD 85/I-270 South Side Ramp Intersection (#3258) - The estimated cost of the Road Improvement is \$753,600 as determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.10%. Therefore the Developer hereby agrees to pay **\$754** to the existing escrow account for this Road Improvement.

This payment shall be paid to the County by the Applicant, its successors or assigns prior to the issuance of any building permit.

OTHER AGENCY COMMENTS:

Agency or Ordinance Requirement	Comment
Engineering Section, DPDR:	Conditional Approval: If there is any proposed land disturbance that exceeds 5,000 square feet, storm-water management will need to be addressed per the latest regulations.
Transportation Engineering, DPDR	Approved.
Planning Section, DPDR:	Conditional Approval, subject to items previously discussed in this Report: 1) Fine tuning General Note #2.
Life Safety, DPDR	Approved. Emergency Response Information: 1 st Responder: Westview 2 nd Responder: United
Health Department	Conditional Approval: Adequate water and sewer taps must be available.
DUSWM:	Approved

FINDINGS:

The Applicant is requesting approval of Site Plan (AP # 10517) for a change-of-use to automobile repair/service shop, in addition to APFO approval. The Applicant is also requesting the following modifications/waiver:

- a) two landscape modifications;
- b) one parking-space dimension modification;
- c) one waiver not to connect to adjoining parking lots.

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) There are no inadequacies in any of the facilities that will serve Lot 1b change-of-use Site Plan application; however, the Applicant has agreed [through the APFO Letter of Understanding (LOU)] to contribute to an area escrow account, as required by the APFO. The APFO test can also be given a three-year approval, and the LOU is ready for signature.
- 3) FRO forest requirements are not applicable to this Site Plan application because of the limited area of disturbance.
- 4) With regard to parking:
 - a) The parking circulation pattern is remaining essentially the same, with a right-in/ right-out entrance from MD 85 and an inter-parcel connection with the adjoining Roy Roger's.
 - b) Handicapped requirements have been met.
 - c) Bicycle parking requirements have been met with the providing of two bicycle racks.
- 5) All three modification requests and one waiver have merit based on limitations by existing site conditions, site usage and the fact that traffic safety is not impaired.
- 6) Based upon the discussion in the report, the Staff finds that the Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

RECOMMENDATION:

Should the FcPc choose to approve this change-of-use Site Plan application (AP # 10517) and APFO for this Site Plan, the FcPc should also cite the acceptance of the requested modifications/waiver for:

- landscape modification to plant required street trees on south side of Lot 1b [§ 1-19-6.400 (A)]
- landscape modification to mitigate property screening requirements for Roy Roger's property by planting trees on the south side of Lot 1b. [§ 1-19-6.400 (A)]
- waiver not to connect to adjoining parking lot [§ 1-19-6.220 (F)]; and
- APFO approval (AP 10520)

The Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) Comply with Agency comments as this project moves through the development process, addressing minor drafting corrections noted by Agencies, including amending General Note #2.

Exhibit #1

Sam's Club
Building

Spectrum Drive

AAA -
Subject Site

Former Gold's
Gym Building

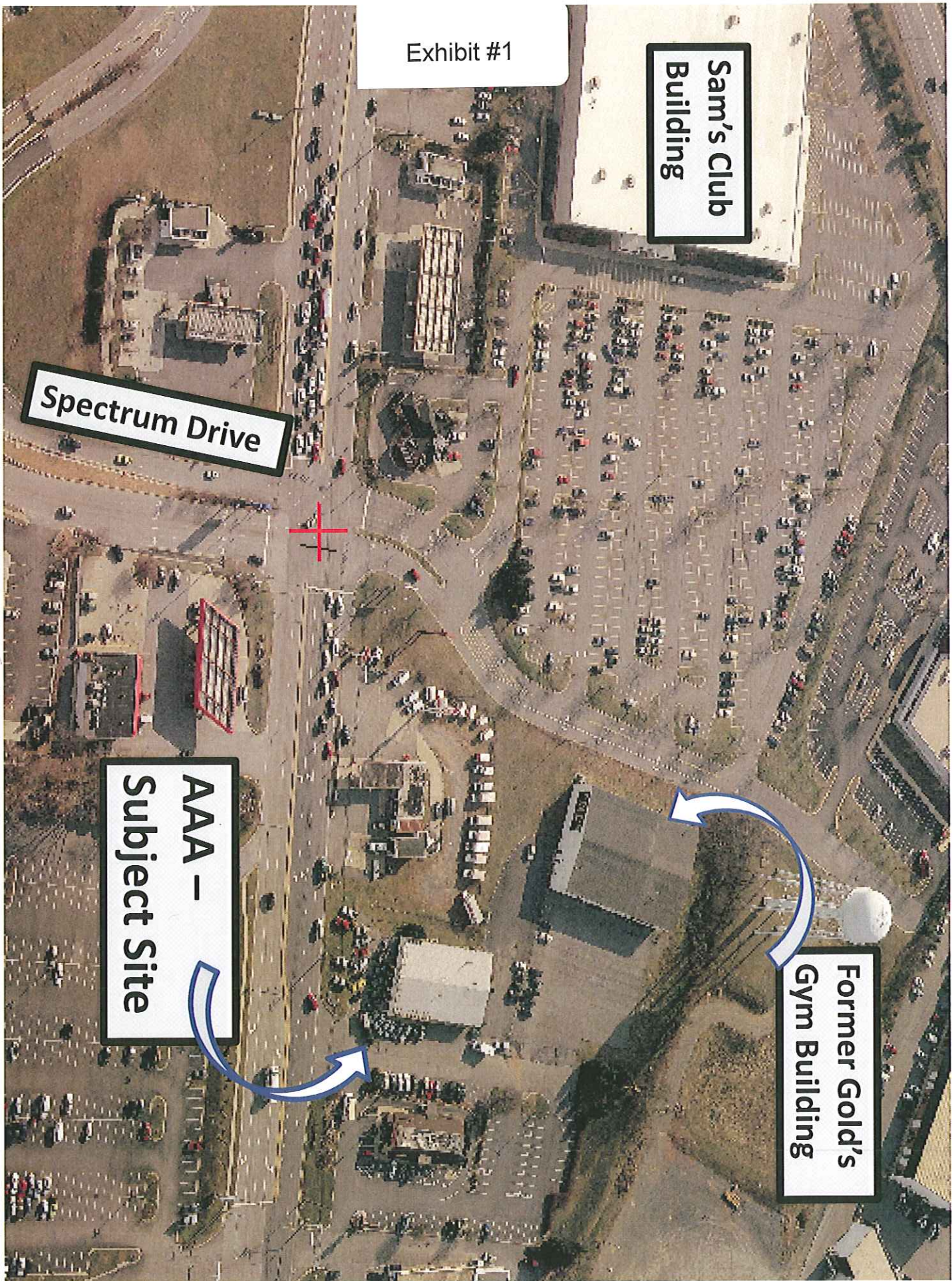


Exhibit #2



DIVISION OF PERMITTING AND DEVELOPMENT REVIEW FREDERICK COUNTY, MARYLAND

Department of Development Review
30 North Market Street • Frederick, Maryland 21701
www.co.frederick.md.us

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

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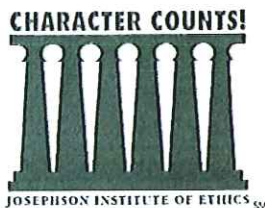
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Gary W. Hessong
Division Director

DEPARTMENT OF DEVELOPMENT REVIEW

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vacant
Director, Planning



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AAA Mid-Atlantic Newman Park Lot 1B

Site Plan (# SP-8544) (AP #10520)

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and AAA Mid-Atlantic Service Center ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place (or under certain conditions in the case of roads, the required pro-rata contributions of funds placed in an escrow account with Frederick County as hereinafter provided) for the property identified below to be developed, as proposed under the approved site plan for AAA Mid-Atlantic, Newman Park Lot 1B (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance, ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required pro rata contribution of funds are paid into the appropriate road escrow account(s) per § 1-20-12 of the APFO in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 3.21 +/- acre parcel of land, which is zoned General Commercial (GC), and located on the west side of Buckeystown Road (MD 85), just north of Spectrum Drive. This APFO approval will be effective for development of an automotive repair/service shop, with travel agent and automobile insurance services, totaling 8,537 square feet (sq. ft.) which is shown on the site plan submitted to the Commission for approval on July 14, 2010.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements: While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that building permits will be issued. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Road Improvements: As a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution to the following escrow account:

MD 85/I-270 South Side Ramp Intersection (#3258) - The estimated cost of the Road Improvement is \$753,600 as determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.10%. Therefore the Developer


hereby agrees to pay \$754 to the existing escrow account for this Road Improvement.

This payment shall be paid to the County by the applicant, its successors or assigns prior to the issuance of any building permit.

Period of Validity: The preliminary plan approval is valid for three years from the date of Commission approval, plus one year for every 750 trips generated on the peak day. This site will generate 140 trips on a Saturday, which is the peak day, thus the 3 year preliminary plan approval period applies. Preliminary plan approval expires on July 14, 2013. APFO approval shall be valid for as long as the Preliminary plan approval remains valid, but in no event shall APFO approval be valid for more than three (3) years from the date of the Planning Commission approval.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by state and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER:

By: 
Name: Eric C. Nichols
Title: Manager

Date: 6/7/10

FREDERICK COUNTY PLANNING COMMISSION:

By: _____
Catherine Forrence, Chairperson
or, John McClurkin, Secretary

Date: _____

ATTEST:

By: _____
Gary Hessong, Director, Division of Permitting &
Development Review

Date: _____

Planner's Initials / Date _____

County Attorney's Office Initials / Date _____
(Approved as to legal form)